



THE CITY OF NEW YORK
LAW DEPARTMENT
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August 18, 2022

BY ECF

Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
40 Foley Square, Room 415
New York, New York 10007

APPLICATION GRANTED
SO ORDERED *New York*
VERNON S. BRODERICK
U.S.D.J. 08/19/22

The post-discovery conference scheduled for September 1, 2022 is adjourned sine die. The parties are directed to file a status update on or before September 19, 2022.

Re: *M.S. and E.L. obo A.L., et al. v. New York City Dep't of Educ.*,
22-CV-00006 (VSB)(BCM)

Dear Judge Broderick:

I am the Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, assigned to represent Defendant New York City Department of Education in the above-captioned action. I write jointly with Plaintiffs' counsel, pursuant to the Case Management Plan and Scheduling Order (Dkt. No. 15), to provide the Court with a status update.

In this action, Plaintiffs seek an award of attorneys' fees, costs, and expenses and the implementation of three orders issued at underlying administrative proceedings held pursuant to the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400, *et seq.* The parties agree that they are close to fully resolving the implementation claims. At this time, Plaintiff is confirming with the student's provider concerning the status of payment of one or two final invoices. Once that is resolved, the only remaining issue is Plaintiffs' claim for fees.¹ Plaintiffs will provide the undersigned with their billing records by August 26, 2022. The parties are hopeful that they can work towards fully resolving this matter without the need for further Court intervention. But the parties require time to negotiate fees. Accordingly, the parties respectfully request to adjourn the post-discovery conference scheduled for September 1, 2022 *sine die* and propose to instead submit a joint status letter by September 19, 2022, to update the Court on the

¹ The parties are also discussing in good faith the possibility, practicality, and judicial economy of including in this action the ongoing underlying hearing for this student A.L. upon issuance of a final order by the impartial hearing officer, which Plaintiffs anticipate will be in the near term. The parties do not anticipate that this will impact the current close of discovery.

parties' progress towards a resolution. Lastly, though the parties do not intend to file any dispositive motions at this juncture, the parties will likely request the Court's leave to brief a motion on the fees issue if we are unable to settle.

This is the parties' first request to adjourn the post-discovery conference. Benjamin Kopp, Esq., Plaintiffs' counsel, joins in the proposed request. If granted, the proposed adjournment would not affect any other scheduled dates.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/

Min Kyung Cho
Assistant Corporation Counsel

cc: Benjamin Kopp
Cuddy Law Firm
Attorney for Plaintiffs
(via ECF)